IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 10TH APRIL 2007 / 20TH CHAITHRA 1929

RCRev..No. 124 of 2007()

RCA.186/2005 of THE RENT CONTROL APPELLATE AUTHORITY, KOZHIKODE
RCP.39/2004 of RENT CONTROL COURT, QUILANDY
.....

REVISION PETITIONER/APPELLANT/RESPONDENT:

C.K.SAROJINI,D/O.KUNHANDI,AGED 59 YEARS,
RESIDING AT NELLIYIL HOUSE,PANTHALAYANI AMSOM,
KOYILANDY POST, KOZHIKODE DISTRICT.

BY ADV. SRI.SANTHARAM.P

RESPONDENT/RESPONDENT/PETITIONER:

ATTUMIKKANTAKATH KATHEESAKUTTI UMMA,
D/O.MAMMED HAJI,AGED 72 YEARS,SWASTHAM,
RESIDING AT SEENATH MANZIL,PANTHALAYANI AMSOM
DESOM,KOYILANDY TALUK.

THIS RENT CONTROL REVISION HAVING COME UP FOR ADMISSION ON 10/04/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON IA.NO.988/2007 IN RCR. NO.124/2007

Dismissed

Sd/- P.R.RAMAN, JUDGE.

10/4/2007

Sd/- P.R.RAMAN, JUDGE.

P.R.RAMAN & ANTONY DOMINIC,JJ.

R.C.R.NO.124 OF 2007

Dated this the 10th day of April, 2007

O R D E R

Raman,J.

Petitioner is the tenant, against whom eviction proceedings were initiated. R.C.P.No.39/2004 was filed by the landlady before the Rent Control Court, Koyilandy seeking eviction under Section 11(2)(b) and 11 (3) of the Kerala Buildings (Lease and Rent Control) Act. During the pendency of the proceedings the landlady filed an application, I.A.No.482/2005 before the Rent Control Court for a direction to deposit the admitted arrears of rent. That I.A. was allowed and the admitted arrears of rent was directed to be paid on or before 22/7/2005. On 22/7/2005 when the matter came up for consideration, the amount was not paid and the matter was adjourned to 29/7/2005 and again adjourned to 8/8/2005. Then also the amount was not paid as directed. I.A. was accordingly closed and eviction was ordered, against which an appeal was preferred before the Appellate Authority. The Appellatle Authority dismissed the appeal, against which the present revision is filed.

2. According to the learned for the revision petitioner, the admitted

amount has been paid in March, 2007. But admittedly the amount was not paid at any time before the I.A. was closed nor any review of the said order was sought for. It was in these circumstances that the Rent Control Court ordered eviction under Section 12 of the Kerala Buildings (Lease and Rent Control) Act. The Appellate Authority confirmed the said decision.

3. We do not find any error of law or any illegality committed by the court below in ordering eviction. There is no merit in this revision. Accordingly it is dismissed.

P.R.RAMAN,
Judge.

ANTONY DOMINIC,
Judge.

kcv.